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1949. File No. O.Munis Cities/49

Legal Department

A BRANCH

Subject:— Opinions under the City of Bombay Municipal Act 1888

P.3/C

O. Munis. Cities/49 389-A

C O N T E N T S .

Legal Department File No. O. Munis. Cities /1949.

Sr. No.	R. I. / O. NO.	Subject.	Pages.
1.	O. No. 3190 E4.3.49.	The Bombay Municipal Act, 1888. Section 61 (gg) - Whether maintenance of an informary can be said to be an obligatory duty of the Municipality.	1-8.

V.M.D. /5-6
Sc.

R.I.No. 197
6.1.99.

Submitted

By H. & L.G.D. letter No. 4837/33-B Dt. 6.8.47 Govt. proposed to the Bom. Muny. to relieve pressure on hospitals by providingan infirmary for accomodation of incurable patients who require no active hospital treatment. Govt. agreed to provide funds for theconstruction of the infirmary with accomodation for 100 patients andtheCorporation was to maintain it.
The Corporation points out that in view of the financial stringency it is not possible to undertake additional recurring liability of maintaining an infirmary of 100 beds. The Corporation is also disputing whether maintenance of an infirmary can be said to be an obligatory duty of the Myny. D.S.h & L.G.D. thinks that the term "other measures necessary forpublic medical relief" in sec. 61 (gg) of the City of Bombay Muny. Act, 1888 would cover maintainance of an infirmary.

2. Cl. (gg) of Sec. 61 of the City of Bom. Municipal Act, 1889 provides that it shall be incumbent on theCorporation to make adequate procision for establishing and maintaining public hospitals and dispensaries and carrying out other measures necessary forpublic medical relief. "infirmary" means a building or part of a building for the treatment of sick or wounded; a hospital, esp. the sick-quarters in a religious establishment, a school, workhouse or other institution (See. Murray, New English dictionary, Vol "public hospital, infirmary . orother medical institution" used in theprovisb to sec. 22 of the Coroners Act, 1887 , 50 and 51 Vict. C. 7 includes a Childeen's andGeneral hospital. supported by voluntary contributions and founded

for the free admission and relief ofpatients within a defined area upon theproduction of a Governor's letter, andof patients outside that area upon payment of a small weekly return.

Maintanance ofan infirmary wouldtherefore be included in themaintenance of a public hospi al, which is an obligatory duty on theCorporation/ Apart from this the words "other measures necessary for public medical relief" in clause (g) of sec. 61 appear to be wide enough to cover the maintenance of an infirmary which is to be opened forrelieving pressure on hospitals in theCity by accommodating incurable patients in the same.

Sd/ 22-3

Reply may be -

An infirmary being in thenature of a hospital , would be covered by section 61 (gg) of the City of Bom. Municipal Act. 1888.

RTk. 22/3

P.M.Lad
22/3

U.O.R. to H. & L.G.D. No. 3190 dt. 24-3-1949.

S.C. 5/6